IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

LETTERS PATENT APPEAL NO.122 OF 2006
IN
WRIT PETITION NO.4620 OF 2005

Nanasaheb Vasudeo Sangvikar Appellant
vs.
Maharshi Karve Sri Shikshan Sanstha
Through its Secretary Respondents

Mr.S.B.Deshmukh for the appellant.

CORAM : R. M. LODHA &
A.S.BAGGA, JJ.

DATED : 27th June, 2006

P.C.

Heard Mr.S.B.Deshmukh, the counsel for the appellant.

2. The Presiding Officer, Pune/Shivaji University and College Tribunal, Pune in the impugned order observed thus:

> "26. I carefully scrutinized the entire material placed before me. There is ample material on record to show the misconduct of the appellant. Prof. Anagha Chikte who had appellant with girl students. She has narrated the incident occurred in the nighttime which was highly objectionable. Appellant sought permission to allow one girl student to sleep in his room to which Prof. Anagha Chikte took serious objections and also reprimanded appellant. Smt.Shakuntala Barate, the mother of deceased Urmila Barate spoke about breaking of marriage promise by appellant. She further deposed that because of failure to keep promise of marriage by appellant, her daughter Urmila went in

depression. Miss Jayashree Kotwal deposed before inquiry Committee that deceased Urmila told her that appellant had given promise of marriage to her. Miss Poonam Warghade a girl student who had participated in the trip of 2001 had also noticed objectionable behaviour of the appellant. She spoke to the effect that there, she noticed that Chikte Madam was shouting at appellant who was asking two girl students to sleep in his room. It has further come in her evidence that appellant took alongwith him Urmila at odd hours of night. She further deposed that at Ooty, appellant and Urmila were roaming and moving like lovers. Miss Yogita Gaikwad who had participated in Trips of 2001 and 2002 also spoke about objectionable conduct of the appellant with girl students. Miss Pallavi Gujar who had participated in the trip of 2002 spoke about the objectionable conduct of the appellant. She also witnesses the incident of appellant taking away Urmila alongwith him at odd hours of nights. She also deposed that appellant made Urmila to sit on the bicycle and drove the bicycle by putting his hand around the neck of Urmila. She also spoke to the effect that Urmila disclosed to her that appellant had given a promise of marriage to her. Miss Gitanjali Karle also deposed against the appellant and had seen objectionable conduct of the appellant.

28. Taking into consideration, the evidence placed on record one can safely come to the conclusion that there was some material on record to show the misconduct committed by the appellant. There is nothing on record to show that witnesses were tutored by the Management. The witnesses cannot be said to be interested witnesses. The witnesses were offered for cross examination. A fair opportunity was given to the appellant to participate in the inquiry. The principle of natural justice was thoroughly observed by the inquiry committee. The inquiry committee has not taken unreasonable view. The findings recorded by the inquiry committee are based on some material on record and therefore, it cannot be said that inquiry report suffers from arbitrariness. Taking into consideration, the misconduct committed by the appellant it cannot be said that the punishment of dismissal is shockingly disproportionate. The

> management is justified in terminating the services of the appellant taking into consideration the misconduct committed by the appellant with girl students. The termination order does not at all suffer from any illegality. The appeal filed by the appellant is therefore, liable to be dismissed."

3. The learned Single did not find any infirmity in the order of the College Tribunal.

4. We have no justifiable ground to take a different view.

5. Letters Patent appeal does not deserves to be admitted. Dismissed in limine.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)